

ENVIRONMENTAL PLANNING COMMISSION
SUMMARY MINUTES
of the Public Hearing on June 18, 2014

DESCRIPTION	<p>5.1 405 SAN ANTONIO ROAD: Public Hearing for consideration of a Zoning Map Amendment from the San Antonio Center Precise Plan (P9) to the P (Planned Community) District, and amendment to the San Antonio Center Precise Plan; a Planned Community Permit for a total of 1,080,867 square feet; 107,835 square feet of commercial, retail, and restaurant; a 49,751 square foot cinema; 360,909 square feet of office; a 393,914 square foot parking garage; a 128,642 square foot, 167-room hotel and restaurant; approximately 39,816 square feet of retail building services and circulation area; a Heritage Tree Removal Permit for the removal of seven Heritage trees; and the Village at San Antonio Center Phase II Project Final Environmental Impact Report (EIR).</p>
RECOMMENDATION	<ol style="list-style-type: none"> 1. Certification of the Village at San Antonio Center Phase II Project Final EIR, including a Statement of Overriding Considerations for substantial increase in vehicle delay and deterioration of traffic operation at the intersection of San Antonio Road and El Camino Real, incorporating the attached findings (see Exhibit 1); 2. Amendment to the Zoning Map to change the four properties located at 405-425 San Antonio Road, 377 San Antonio Road, 391 San Antonio Road, and 455 San Antonio Road (north parcel only) from the San Antonio Center Precise Plan (P9) District to P (Planned Community) District, incorporating the attached findings (see Exhibit 2); 3. Amendment to the San Antonio Center Precise Plan District reference map and associated language (see Exhibit 3); 4. Planned Community Permit for a total of 1,080,867 square feet; 107,835 square feet of commercial, retail, and restaurant; 49,751 square

foot cinema with 1,410 seats; 360,909 square feet of office; a 393,914 square foot parking garage with 1,386 parking stalls; a 128,642 square foot, 167-room hotel and restaurant; approximately 39,816 square feet of retail building services and circulation area; and a Heritage Tree Removal Permit for the removal of seven Heritage trees incorporating the attached findings (see Exhibit 4); and

5. Amendment to the existing Planned Community Permit for the Phase I project at 455 San Antonio Road (see Exhibit 5).

<p style="text-align: center;">FINAL VOTE</p>	<p>To not recommend to City Council for approval:</p> <ol style="list-style-type: none"> 1. Certification of the Village at San Antonio Center Phase II Project Final EIR, including a Statement for Overriding Considerations for substantial increase in vehicle delay and deterioration of traffic operation at the intersection of San Antonio Road and El Camino Real, incorporating the attached findings (see Exhibit 1); 2. Amendment to the Zoning Map to change the four properties located at 405-425 San Antonio Road, 377 San Antonio Road, 391 San Antonio Road, and 455 San Antonio Road (north parcel only) from the San Antonio Center Precise Plan (P9) District to P (Planned Community) District, incorporating the attached findings (see Exhibit 2); 3. Amendment to the San Antonio Center Precise Plan District reference map and associated language (see Exhibit 3); 4. Planned Community Permit for a total of 1,080,867 square feet; 107,835 square feet of commercial, retail and restaurant; 49,751 square foot cinema with 1,410 seats; 360,909 square feet of office; a 393,914 square foot parking garage with 1,386 parking stalls; a 128,642 square foot, 167-room hotel and restaurant; approximately 39,816 square feet of retail building services and circulation area; and a Heritage Tree Removal Permit for the removal of seven Heritage trees incorporating the attached findings (see Exhibit 4); and 5. Amendment to the existing Planned Community Permit for the Phase I project at 455 San Antonio Road (see Exhibit 5). <p>To instead recommend that the City Council first allow the San Antonio Precise Plan to be completed; and to recommend that the Precise</p>
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Plan address the issue of the jobs/housing imbalance by adding housing to the proposed project; and to take all available and legally appropriate steps to prompt resolution to address the 11 spaces required for the Milk Pail; and to amend the San Antonio Precise Plan, Part III, Section 3.2 (D-5) A to read: “The parking spaces required including loading, bicycle and handicapped shall be determined for each proposed development and all parking other than private residential parking shall be accessible to other properties. “

Motion – M/S: Cox/Trontell – Passed 7/0

SUMMARY TEXT

Staff presentation provided an overview of the proposed San Antonio Center project, Phase II. Staff summarized and focused on a few key points: The project consists of a 9.9 acre site, with four parcels: Phase I, II, III, and IV. The proposal includes two six-story office buildings; ground floor commercial and retail spaces; four levels of underground of parking; within walking distance to CalTrain, VTA bus lines and transit stops on El Camino Real.

Staff noted that the Applicant has revised the site plan to accommodate pedestrian walkways throughout the site; a plaza area designed with zero curb; specific recommendations including sidewalks and bike accessibility amenities; proposed improvements along San Antonio Road; proposed building footprints, and proposed setbacks along San Antonio Road. The Applicant has added revisions to address concerns and suggestions of the Development Review Committee (DRC), the EPC and City Council, including a proposal providing that bicycles and vehicles share the road in the area of Hetch Hetchy. BPAC and the DRC did not recommend separate bike lanes in this area.

Staff described buildings, setbacks, and building locations on the land parcels. Slide renderings of the proposed hotel were provided, as well as ground floor retail and restaurants; 326 bike parking spaces, more than the total required by the City’s Ordinance, located throughout the development.

An EIR was prepared, and the Draft EIR included mitigation measures to reduce most environmental impacts to less than significant levels. However, there are unavoidable traffic impact mitigations which will be reflected in the statement of overriding considerations at the time the final EIR is certified. It has been determined that project benefits outweigh the unavoidable significant impacts.

Staff acknowledged public input which has been received in support of the project. Staff is recommending that the EPC certify the Village of San Antonio project. The next step is the City Council hearing scheduled on July 1st, 2014. Staff introduced the CEQA consultants available at tonight's meeting, as well as the Staff planner, traffic study consultant, and the applicant, to respond to questions from the EPC.

The Applicant indicated that this is the 23rd public hearing for this project over the course of the last two and a half years. This project proposal is in compliance with the General Plan requirements to address goals and policies of the San Antonio change area. The site plan for Phase II is consistent with the proposed Precise Plan.

The Applicant reviewed changes made over the past two and a half years based on City and public comments including bike and pedestrian amenities; special community events planned for major holidays; economic and community benefits. The proposed hotel brings TOT and sales tax revenue to the project, with an anticipated \$2.5 annual General Fund contribution; total public benefits of the project exceed \$7 M.

EPC QUESTIONS

Link to Audio -[EPC Questions](#)

Commissioner Capriles asked about the next steps and the time line to mitigate transportation concerns with the other agencies involved. Staff indicated that no particular time line has been set; the Applicant has agreed to fund the actual improvements. The issue mainly is that the City has to work with CalTrain, VTA, and the City of Los Altos to make the improvement happen.

Commissioner Capriles asked about the impact on the Phase II project by completing the Precise Plan first, besides the obvious delay. Staff acknowledged the main impact in terms of approval and implications; if the adopted plan

differs in some way from what has been approved, this may affect the actual application and would require conformance by the Applicant.

Commissioner Capriles expressed concern for the project impact on transportation and circulation around this area, and the percentage of surface to structured parking on this project. She requested a definition of reciprocal parking, and queried if parking is a shared expense by the tenant or included in the lease agreement. She also asked if there is a cap on the number of restaurants that can be included within this particular area.

Chair Cox followed up with a question to Staff about securing permission from the various parties to improve the traffic situation at San Antonio Road and El Camino Real. The public works consultant responded that plans need to be developed first; timeline expectation would be about six months for plan preparation for a presentation to CalTrains to start the conversation. The probability that all three parties would agree is very high.

Commissioner Scarboro asked about offsite improvements on Pachetti Way going to the CalTrain station, and the planned timing for re-evaluation of parking with this project. Staff indicated that every four years there would be an evaluation to determine whether there is sufficient bicycle parking. This has been added to the TDM requirements.

Commissioner Scarboro confirmed that the improvements of San Antonio Road and El Camino Real include safety of autos and pedestrians as part of the study. He asked about the proposed protected bike lane; Staff provided a description as planned. He confirmed that the pedestrian crossing shown on the parking garage is typical for the whole center. Staff responded affirmatively, except for the plaza and promenade area.

Commissioner Matichak inquired about vehicle trip generation from the office buildings based on ITE calculations and data behind the numbers projected. A CEQA consultant responded that the Institute of Transportation Engineers collects surveys and compares number of vehicles to the size of the building to rate vehicle trips. Trip generation information is input into an equation to determine AM and PM trip projections. Staff added that ITE calculations are the industry accepted standard used as a baseline.

Commissioner Matichak had questions about transit shuttle loading area locations; underground parking garage signage and accessibility. Staff indicated that the City negotiated with the Applicant to require the first floor of underground parking to allow for retail and commercial use parking after 6 PM and on weekends. First floor parking would be fenced off from the remaining floors for security to the offices.

Commissioner Matichak inquired if Phase II is approved, what percent of total building for the San Antonio area it would consume of the General Plan. Staff indicated that this information is not available at this time.

Commissioner Trontell indicated that Phase I had been approved for residential units, clarifying how many units were actually built. Staff responded that 304 units were built. Commissioner Trontell noted that no residential development has been put forth as part of this project although the change area included a focus on increased residential close to mass transit. She asked Staff to recap some of the history to move away from that expectation in Phase II.

Commissioner Trontell acknowledged the increase in commercial/retail square footage; she asked Staff to address the rationale behind that increase. She asked Staff if there is any precedent or history of the cross collaboration process to address intersection needs moving forward. There was a discussion regarding factors to be considered for the intersection improvement completion.

Commissioner Trontell initiated a discussion and clarification about the collaboration between the Developer and a current tenant, the Milk Pail, and projected community benefits. She requested more information about what is anticipated in an agreement between the Developer and the current tenant.

Vice Chair Kamei disclosed meeting with the applicant prior to tonight's meeting. She addressed two letters received regarding the EIR. Staff indicated that they have some time between now and the City Council hearing to take a more in-depth look at the comments in the letters. Vice Chair Kamei questioned the City's jurisdiction in terms of mandating a school and asked for staff elaboration on the role of the EPC in this regard.

She asked for clarification on occupancy and price point in the 330 units currently in Phase I of this project. She asked staff to elaborate on why BPAC has not supported dedicated bike lanes in the project. Staff noted that the shared lanes would be within the project site, not along the main streets.

Commissioner Fernandez commented on other hotel projects in the City, and the possible impact of incorporating a hotel in this project. The Applicant responded that this hotel will be quite successful because it's part of a destination and planned environment.

Commissioner Fernandez commented on the proposed traffic impact mitigations. He addressed a letter received from adjacent property owners regarding the Draft EIR posting on the City's web site. Staff acknowledged that the Draft EIR was added to the site when it was completed, along with the final EIR. The site link was provided on Friday, and the public review period was March 14 to April 18.

Chair Cox requested clarification of office space as a revenue generating activity for the city. He asked Staff to clarify the Plaza space reduction from 5,000 to 3,000 square feet, as pertains to the adjacent property owner.

Chair Cox noted that there are no pictures or details regarding the birthplace of Silicon Valley monument, and he asked about plans for the monument. Staff reported on the approval process, including tasks such as: find an artist, commission an artist, work with a community group. The review process could be lengthy, to get artist designs, approval by City and staff, and construction by the developer.

Chair Cox asked for description about the 100 percent transit subsidy pass program. All employees within the project would receive CalTrain, or VTA pass or Clipper Card. TMA will also serve the office users.

Chair Cox questioned the parking spaces in relation to TDM requirements. He asked Staff to acknowledge if mobility improvements are expected to be better after the project is completed. Staff commented that there will be impacts, but they have been studied with mitigations implemented and approved to less than significant area under CEQA.

Commissioner Matichak followed up with questions to address any other areas doing P District within an existing Precise Plan, and parking accessible to other properties as a private agreement between two parties. There was a discussion and clarification about the intent of the original Precise Plan.

Commissioner Trontell followed up with questions to address the birthplace to Silicon Valley monument in relation to the 391 building site preservation. The Applicant and Staff noted that there is no true historic significance to the building, and there was never an intention to preserve the building.

Commissioner Trontell addressed the unresolved issue around parking (Milk Pail) and encouraged a resolution to the contention over the parking space issue. Staff commented that dialog can be encouraged between the developer and the adjacent property owner outside of the City's process.

Chair Cox and Vice Chair Kamei clarified details of the shared parking agreement with Staff. There was additional discussion and clarification of the parking agreement related to the Milk Pail, adjacent property owner.

PUBLIC SPEAKERS

Link to Audio -[Public Speakers](#)

Comments from 27 members of the public in attendance:

The City is in control of the parking issue and the Milk Pail could be given an exemption and grandfathered in to resolve the issue of 11 parking spaces; concerned about jobs to housing imbalance in the City; wait until the Precise Plan has been developed before making approval on this project; concerned about the traffic situation as a resident in the area; the committee to design the Silicon Valley monument has done a great job and the entire project should be approved; excited about the proposed monument on the site, and supportive of the entire project.

Other comments included: a group statement that the San Antonio area provides an opportunity to plan better, urging the EPC to not approve Phase II until the

Precise Plan is done and approved. There was public support by a show of hands from those in attendance at tonight's meeting. The group also urged negotiations with the Milk Pail to resolve their shortage of parking spaces.

Additional comments included: opposition to San Antonio Phase II without the Precise Plan in place; Mountain View has a shortage of housing; the City needs more housing, not more office space; consider the cost of doing a San Antonio corridor study; just say no to Phase II short of provisions regarding parking; this project will not improve the jobs/housing balance; start over and thoughtfully redevelop this part of the San Antonio Precise Plan; concerned about traffic and housing imbalance; shocked that with \$7 M in improvements, the City can't come up with 11 parking spaces for the Milk Pail; support for the Citizens for a Balanced Mountain View position and preserving neighborhood businesses; deny approval of the EIR for Phase II as currently proposed, too many outstanding issues; suggestion for more of a mixed use center which includes housing and scales back on office space.

There was significant support for more housing; balancing the housing/jobs ratio; grandfathering in the Milk Pail regarding parking issue; recommending the project be rejected; and putting the project on hold until the Precise Plan has been completed.

Attorney for the Milk Pail addressed the misperception that the City cannot legally impose a condition for the developer to enter an agreement with the Milk Pail; it is legal and customary to resolve parking issues. The Milk Pail is an economic asset to the City and can be preserved with one legally permissible permission from the City.

EPC DELIBERATION

Link to Audio -[EPC Deliberation](#)

Commissioner Fernandez clarified the total number of employees for the entire Phase II as 2,457 employees.

Chair Cox spoke about the positive aspects of the project and then addressed his sticking points, stating that he is inclined to wait until the Precise Plan is done to approve this project. He addressed: community benefits issue; mobility benefits;

housing/jobs ratio; and the Milk Pail parking space issue. He expressed concern about the differing points of legal views between Staff and the Milk Pail attorney's previous comments. He suggested putting the project application back without prejudice.

Commissioner Fernandez spoke about the positive aspects of the project, indicated that he feels the EIR is adequate. He noted that the project proposal is consistent with the Draft Precise Plan; the developer has given the City Council what they have asked for in this proposal. He requested more feedback from EPC Commissioners before his decision.

Commissioner Matichak acknowledged that this is the 4th time the EPC has seen this project; her perspective has not changed since the beginning. She expressed concern about the density/intensity of this project in Phase II; she does not think the proposed community benefits justify the proposed FAR. Other concerns expressed by Commissioner Matichak: Mitigation measures should not be included in community benefits; the traffic in this area; LEED Gold proposal versus LEED Platinum; she doesn't think this is the right proposal to redevelop this parcel. She was not supportive of this project in its current form.

Commissioner Capriles disclosed previously meeting with the Applicant. She acknowledged the Staff and Applicant's work on this project; the Applicant has responded to objectives planned for this project, even though the objectives may have changed since 2011. She noted that this project has done well in creating a sense of place; she likes the Phase II project and feels it's a really good start. She requested additional discussion from the rest of the EPC Commissioners.

Commissioner Trontell clarified the current schedule and timing for this Precise Plan, which would be the end of this year, 2014. She acknowledged the many positives to this project, adding that a key piece is that this project has been designed within the guidance and expectations from the City Council. She would prefer reduced density, and a residential component. She expressed concern about the lack of resolution with the Milk Pail regarding parking. Her current thinking would be to wait for the completion of the Precise Plan to approve this project.

Vice Chair Kamei talked about her big picture idea first, and then provided additional details. She would like to move forward because there's a lack of connectivity in this area; she would propose that instead of the hotel, replace that with a housing component. She suggested the consideration of attainable housing, versus affordable housing.

Commissioner Scarboro commented that this is a much better plan than Phase I; he talked about the positives of the proposal. He then expressed his concerns, including: approval before the Precise Plan completion within the next six months; the jobs/housing imbalance; traffic safety concerns for bikes and the surrounding community.

Chair Cox recapped these discussions and clarified the Commissioner's intents to this point. In proceeding forward, Commissioner Fernandez suggested looking at the individual questions on Staff's recommendations. Staff indicated that it could be problematic to move forward in that way.

Staff clarified the Precise Plan process; drafts are currently being written. When the Precise Plan comes back to the Commission would be a good time for additional discussion regarding public input. The San Antonio Precise Plan is going to the City Council next week. This is the last meeting to wrap up the policy discussion; the plan itself will come back in draft form to the EPC for a recommendation to the City Council.

Commissioner Matchak commented that she wants to make sure it is reflective of community input; she absolutely wants to resolve the problem with the Milk Pail parking situation. She also suggested proposing changes to the existing amendments. Chair Cox suggested the EPC lay out some central issues to send back to the City Council which are still to be discussed.

Staff commented that dialog is still on going with the Precise Plan. The idea that more housing belongs in this Precise Plan could be discussed as part of the record and passed on to the City Council since the Precise Plan is not on the agenda at tonight's meeting.

Commissioner Capriles supported replacing the hotel with attainable housing. Commissioner Fernandez addressed the jobs/housing imbalance, and expressed

interest in recommending to the City Council that they consider housing as part of the mixed use in this project. Commissioner Matichak suggested replacing the office and hotel with housing.

Commissioner Scarboro supported adding housing to the project. Commissioner Trontell would like feedback to better address the jobs/housing balance, and preferred not to get into specifics in what would be swapped out for housing.

Vice Chair Kamei agreed with feedback from the Commissioners; she suggested that housing replace the hotel within the project. Chair Cox also supported replacing something within the Phase II project to include housing.

Commissioner Trontell suggested a general recommendation to reassess the project in light of the jobs/housing issue. Commissioner Capriles agreed with the general recommendation that City Council consider modifying the project so that it has housing.

Chair Cox stated an initial position to include a dialog addressing the Milk Pail parking issue, as appropriate, to get the true legal status resolved. City Attorney Chopra noted that there is no ambiguity on this issue within the City office. He read from the specific La Mancha agreement, and reiterated that the City cannot legally require the condition that the developer shall provide the parking spaces at issue. The City maintains a good faith approach.

Chair Cox clarified Milk Pail attorney's intentions in comments from tonight's meeting, as asking to put this in as a condition of approval of the project to engage in negotiations to resolve the reciprocal parking issue. Commissioner Trontell suggested verbiage that the City should take legally appropriate and available options to resolve the parking issue.

Staff suggested entertaining a motion regarding a suggestion to add this type of condition. Staff presented additional issues to consider defining the parameters of "a good faith effort" to reach resolution, and how to determine the fair market value for a parking spot. City Attorney Chopra recommended more general, conceptual recommendations, rather than getting too specific.

Commissioner Capriles was uncomfortable with setting a precedent of directing a civil agreement between two parties, rather than encouraging the parties to negotiate. A clear recommendation in the form of a motion was suggested to take all available and legally appropriate steps to prompt resolution regarding the Milk Pail parking issue.

Commissioner Matichak suggested, as a backup plan, modifications to the existing Precise Plan, page 14, Section 5A, Exhibit 3, to strike two clauses: "... shall be contained within the ownership associated with said proposal, and in accordance with the reciprocal ... ", and would say, ".. all parking spaces required shall be determined for each proposed...and all parking other than private residential parking shall be accessible to other properties."

Commissioner Matichak suggested that the findings verbiage be modified to be consistent within the Precise Plan document. City Attorney Chopra suggested that if the underlying project is not being approved, it wouldn't be appropriate to do that. Staff suggested that the EPC make comments and a motion, adding onto that the recommendations discussed.

VOTE

Link to Audio -[Vote](#)

See page 2-3.